

RESOLUTION NO. 2009-33

A RESOLUTION, of the City Council of the City of Wenatchee adopting an updated grievance procedure and notice of non-discrimination pertaining to the American with Disabilities Act.

WHEREAS, the Americans With Disabilities Act (ADA) was enacted in 1990 to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities and to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; and

WHEREAS, Title I of the ADA prohibits employers, including cities, from discriminating against qualified job applicants and workers who are or who become disabled; and

WHEREAS, Title II of the ADA prohibits state and local governments from discriminating against disabled persons in their programs and activities; and

WHEREAS, the City of Wenatchee has demonstrated compliance with Title I and Title II of the ADA in its policies, programs and maintenance of its public facilities; and

WHEREAS, the City of Wenatchee has maintained its good standing in compliance with the ADA through an adopted grievance procedure and ongoing self-assessments which have been documented in 1995 and 2001.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Wenatchee, as follows:

1. The City hereby adopts an updated Grievance Procedure and Notice of Non-Discrimination in the form attached hereto as Exhibit "A".

2. The City Clerk is directed to post on the City's website and in every City building the updated Grievance Procedure and Notice of Non-Discrimination hereby adopted.

3. The City hereby establishes a goal of updating its self assessment of City policies, programs and facilities for ADA compliance by June 1, 2009, with City Council review by August 1, 2009.

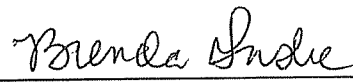
4. City staff will create and maintain a list of facility improvements and updates to be included as part of the City's annual comprehensive plan update process and six-year street plan process.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE, at a regular meeting thereof, this 9th day of April, 2009.

CITY OF WENATCHEE, a Municipal
Corporation

By: 
DENNIS JOHNSON, Mayor

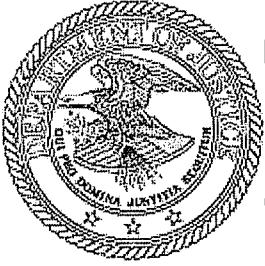
ATTEST:

By: 
BRENDA GUSKE, Interim City Clerk

APPROVED

By: _____
STEVE D. SMITH, City Attorney

Exhibit "A"



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Wenatchee will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **The City of Wenatchee** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City should contact the office of:

City of Wenatchee

Human Resources Director
129 South Chelan
PO Box 519
Wenatchee, WA 98807
509-888-6211

with a copy to the City Clerk at the same address
as soon as possible but no later than 5 working days before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Send complaints that a program, service, or activity of the City of Wenatchee is not accessible to persons with disabilities to the **Human Resources Director** in writing or accessible format within 30 days of the alleged violation.

The City of Wenatchee will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**City of Wenatchee
Grievance Procedure under
The Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **City of Wenatchee**. The City of Wenatchee's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 30 calendar days after the alleged violation to:

City of Wenatchee
Human Resources Director
129 South Chelan
PO Box 519
Wenatchee, WA 98807
509-888-6211
With a copy to the City Clerk at the same address

Within 30 calendar days after receipt of the complaint, a City of Wenatchee designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the City of Wenatchee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of City of Wenatchee and offer options for substantive resolution of the complaint.

If the response by the City of Wenatchee staff does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to City of Wenatchee's Executive Services Director or his/her designee.

Within 30 calendar days after receipt of the appeal, the Executive Services Director or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Executive Services Director or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Human Resources Director or his/her designee or appeals to the Executive Services Director or his/her designee and responses from these two offices will be permanently stored by City of Wenatchee.